

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA

v.

KEITH VINCENT LEMONS,

Defendant.

No. 1:22-cr-9

STATEMENT OF FACTS

The United States and the defendant, KEITH VINCENT LEMONS, stipulate that the allegations in the Criminal Information and the following facts are true and correct. The United States and LEMONS further stipulate that had the matter gone to trial, the United States would have proven the allegations in the Criminal Indictment and the following facts beyond a reasonable doubt.

1. From at least in or about October 2015 through on or about October 2016, in the Eastern District of Virginia and elsewhere, LEMONS did, together with ADIAM BERHANE (BERHANE) and others, including UNINDICTED CO-CONSPIRATOR 1 (UCC-1) and TIFFANY YOUNGER (YOUNGER), carry out a fraud scheme involving the use of stolen credit card information to purchase consumer goods and gift cards in the Eastern District of Virginia and elsewhere. The scheme involved cards issued by multiple federally insured financial institutions, including Chase Bank USA, N.A., American Express, Capital One Bank, Discover Card, Citibank N.A., and others.

2. In addition, the conspirators used the personal identifying information of real persons – whom LEMONS, BERHANE, and the other conspirators knew to be real persons – to facilitate the scheme. For instance, on or about March 2, 2016, in the Eastern District of Virginia,

BERHANE used the name, credit card number, and credit card expiration date of D.M. to execute a fraudulent transaction.

Caffe Aficionado

3. BERHANE also used a coffee shop called CAFFE AFICIONADO to facilitate the scheme. BERHANE and UCC-1 incorporated CAFFE AFICIONADO with the Commonwealth of Virginia in early 2013. CAFFE AFICIONADO had premises in Rosslyn, Virginia and maintained a payment processing account to permit the transfer of funds using credit cards and other payment cards.

4. Before BERHANE opened CAFFE AFICIONADO to the public, she and her co-conspirators used the store's credit card payment processing account to execute numerous transactions involving fraudulently obtained gift cards. The income from redemption of these gift cards was then deposited into CAFFE AFICIONADO's bank account.

Fraud Schemes

5. From at least June of 2013, BERHANE and the other co-conspirators, including UCC-1, purchased stolen credit card information – such as the 15- to 18-digit card numbers typically found on the face of a physical credit or debit card, the card's expiration date, and the card's security code – from various websites on the “Dark Web” and paid with Bitcoin. The stolen credit card information was emailed to email accounts controlled by BERHANE and UCC-1.

6. BERHANE and her co-conspirators purchased blank plastic cards and a Datacard 150i card-embossing machine to make fraudulent credit cards. BERHANE and her co-conspirators also used a MSR605 magnetic strip reader/writer machine to encode the magnetic strip of these false cards. In some instances, the conspirators encoded the magnetic strip of a fraudulent card with the same account number that appeared on the face of the card. In other instances, the

conspirators encoded the magnetic strip of the fraudulent card with an account number belonging to BERHANE, UCC-1, or CAFFE AFICIONADO.

7. BERHANE and her co-conspirators then purchased goods with fraudulent cards, and later returned the goods using a different card that directed the refund to an account controlled by BERHANE or the other co-conspirators.

8. For instance, on July 27, 2016, BERHANE offered to let LEMONS do some fraudulent returns, saying: "All I have today is returns if you want [. . .] Let me know if you need me[.]" LEMONS said, "Ok. I can do them tomorrow. Don't get off until 7 today. O T [. . .] Are they local[.]" BERHANE replied, "Yes," to which LEMONS said, "Ok [. . .] I got u[.]" BERHANE responded "I know you do :)"

9. BERHANE, LEMONS, and her co-conspirators also used the fraudulent credit cards to purchase gift cards from retail stores. BERHANE then "redeemed" these gift cards at CAFFE AFICIONADO, usually within several days of the gift card's purchase, by running the gift card through the store's payment processing account. From there, BERHANE and her co-conspirators were able to make cash withdrawals or purchases.

10. In other instances, BERHANE and her co-conspirators, including LEMONS, paid for personal expenses using the fraudulent cards. For instance, on July 27, 2016, LEMONS fraudulently used a payment card number issued by Chase Bank, N.A. to make a payment on a personal consumer credit account.

11. On October 30, 2015, LEMONS and BERHANE had the following conversation by text message concerning whether LEMONS should bring American Express gift cards purchased with fraudulent payment card numbers to BERHANE, or just send photographs:

LEMONS: GM [Good morning]. I got my last 3 A's. Do U want them
600

BERHANE: Sure
LEMONS: Ok
Should I bring them. Out send pic
Or
BERHANE: Pics are fine
LEMONS: Ok.
Would I get the coins tomorrow or later
BERHANE: I don't get [in] til
Monday but it's ok I can get it out the ATM it's \$240 right
LEMONS: It's 600
Worth
I can wait til Monday. If need be

LEMONS then sent a photograph to BERHANE showing the card numbers of two American Express gift cards that had been fraudulently purchased using stolen payment card numbers.

12. On June 3, 2016, BERHANE sent the last four digits of several stolen payment card numbers to LEMONS by text message. On June 4, 2016, BERHANE sent personal identifying information for two of the stolen payment card numbers to LEMONS.

13. On July 17, 2016, BERHANE and LEMONS coordinated which stolen payment cards were valid and which were not. BERHANE sent two pictures of stolen payment card numbers and the personal identifying information of the accountholders to LEMONS:

BERHANE: Send me the last four of your cards so I can put them on my bad list
LEMONS: They in the car, I'm in va. At the market right now
BERHANE: Ok
BERHANE: You don't remember any of these the last four [...] These would be slides
I don't have my wallet and I am trying to avoid buying the same as the ones
you had
[The last four digits of another stolen card number]
LEMONS: [The last four digits of four stolen card numbers]
I think
[Last four digits of a stolen card number]. Was one too
I don't remember if they were the slides or the punch.
BERHANE: I was sure about those two [last four] and [last four] . It's the other two I am
not
These were Slides
Ok thanks
LEMONS: Yw [you're welcome]. I'll tell u more when I get back.
BERHANE: Ok you def had two Amex ?

LEMONS: Yes
BERHANE: Ok so 1003 is you too
That's it we both had 4 slides
Oh no there is one more but that's fine for now
I meant two Amex slides
LEMONS: Yes
Yes

LEMONS then sent two photographs of slips of paper containing the last four digits of several stolen payment card numbers to BERHANE. One of the slips was marked "SLIDES" and the other was marked "PUNCHES." "Slides" are fraudulent cards that can only be slid through a merchant's card reader, and "punches" are fraudulent cards that can only be entered by the clerk manually using a keypad on the merchant's point of sale system.

14. On July 27, 2016, LEMONS sent BERHANE a text message requesting fraudulent payment card numbers, saying: "GM [good morning]. I need a umbernogga [number]. a V[isa] or M[astercard] please. I need to order something." BERHANE then sent a photo of a computer screen displaying three stolen payment card numbers and the associated personal identifying information of the cardholders. After LEMONS responded, "Thanks," BERHANE told LEMONS "Tell me which one worked[.]" LEMONS replied "None. I didn't try the D[iscover] because they don't take them." After several unsuccessful attempts, BERHANE said to LEMONS, "It's u ok let me get something new I almost home[.]" Later that day, BERHANE asked LEMONS, "The M worked right ?" LEMONS replied, "The V. Didn't try the M[.]"

15. On October 22 and 23, 2016, LEMONS and BERHANE discussed how to target stores for refund fraud and whether certain stolen card numbers would still be useful for fraud if they were digitally encoded on the back of a newly-made fake credit card:

BERHANE: Pandora the gold stuff is good the charms are like \$300 /400 get like two or one gold bracelet I think those are \$800-1000
Anthro

Barnes and noble the language program Plimsieur I think it's called but it has to be 1-4 doesn't matter the language those are like 4 if they don't have it get two Rosetta stones 1-5 any language they are like \$250 Pls let me know ASAP how u making out cause I want to get more as soon as possible before he sells these out they have been fierce

LEMONS: Ok. I just came from antro it's crowded as hell down here. What area should I do

BERHANE: Tysons or old town
Ok.
U can go to coach and loonies and Macy's with those really anywhere and foot in tysons is grace
Text me the last four of the ones that worked and tell me which one went for pandora so I can get some more child

LEMONS: Ok. In 5 minutes

BERHANE: Ok

LEMONS: [Last four digits]. Barnes. [Last four digits]. Pan & old navy & How many did I have

BERHANE: 5

LEMONS: Ok. I still got one

BERHANE: Ok
Send me the ones that didn't then

LEMONS: Ok
[last four digits]. & [last four digits]

BERHANE: R u working today

LEMONS: No.

BERHANE: I am going for brunch at the four seasons. Tiffy [YOUNGER] will be there want to come ?

LEMONS: Thanks I really appreciate the offer, but I'm watching the football game today [.]

BERHANE: Is the [last four digits] dead? If yes I can just get him to change the back [of the card]

LEMONS: All of them dead

16. When law enforcement officials searched the home of BERHANE and CC-1 pursuant to a search warrant on October 28, 2016, they discovered electronic devices and fake credit cards containing more than 571 unique stolen payment card numbers. Officials also discovered the equipment that had been used to make the fake credit cards bearing the name of LEMONS.

17. During the time period October 2015 to October 2016, financial institutions suffered at least \$233,942 in loss from the conspiracy involving LEMONS, BERHANE, CC-1, and YOUNGER.

* * *

18. This Statement of Facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

19. The actions of the defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

Respectfully submitted,

Jessica D. Aber
United States Attorney


January 13, 2022

By: 

Monika Moore
Jonathan S. Keim
Assistant United States Attorneys

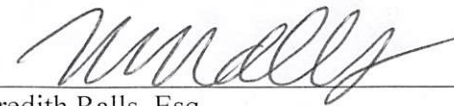
Defendant's signature: After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, Keith Vincent Lemons, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

Date: 1-13-2022


Keith Vincent Lemons
Defendant

Defense counsel signature: I am Keith Vincent Lemons's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

Date: 1/13/22


Meredith Ralls, Esq.
Attorney for Keith Vincent Lemons